

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

EKHAUS *et al.*

Appl. No.: 09/887,528

Filed: June 25, 2001

For: **Method and System for High Performance Model-Based Personalization**

Confirmation No.: 5737

Art Unit: 3623

Examiner: Sterrett, Jonathan G.

Atty. Docket: 2222.0730001

Statement of Substance of Interview Under 37 C.F.R. § 1.133(b) and Comments on Examiner's Statement of Reasons for Allowance

Mail Stop Issue Fee

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The present Statement of Substance of Interview Under 37 C.F.R. § 1.133(b) and Comments on Examiner's Statement of Reasons for Allowance is being submitted together with payment of the Issue Fee in the subject application.

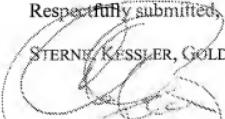
Applicants' attorney gratefully acknowledges the courtesies extended to him in a telephone interview on April 23, 2010. In the Interview, Applicants' attorney and the Examiner discussed and agreed to the rejoinder of claims 19 and 27, the cancellation of claims 9, 10 and 35, and amendments to claims 48 and 49 to place the application in condition for allowance. Applicants' attorney is in receipt of an Examiner Interview Summary confirming the same.

Applicants note the Examiner's statements of Reasons for Allowance of the above-referenced patent application in the Notice of Allowance mailed April 27, 2010, and agree that the claimed subject matter is patentable. However, Applicants take no position regarding the Reasons for Allowance presented by the Examiner other than the positions Applicants may have previously taken during prosecution. Therefore, the Examiner's Reasons for Allowance should not be attributed to Applicants as an indication of the basis for Applicants' belief that the claims are patentable. Furthermore, Applicants respectfully assert that there may also be additional reasons for patentability of the claimed subject

matter not explicitly stated in this record and Applicants do not waive their rights to such arguments by not further addressing such reasons herein.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Christopher Philip Wrist
Attorney for Applicants
Registration No. 32,078

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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